



Texas Department of Insurance
Division of Workers' Compensation
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BENEFIT REVIEW CONFERENCE (BRC)
INFORMATION
FOR INSURANCE CARRIER
A DEATH CLAIM

DEATH/BURIAL BENEFIT ISSUES: An insurance carrier may dispute a beneficiary's entitlement to receive death benefits. An issue may also arise over the reasonable cost of burial benefits and/or transportation costs incurred on behalf of the deceased injured worker.



Definition of Terms

"Injury" means damage or harm to the body, including infections from the injury. See [§401.011\(26\)](#).

"Distribution of Death Benefits" describes who is eligible to receive death benefits under [§408.182](#).

"Benefit" means a medical, income, death or burial benefit based on a compensable injury. See [§401.011\(5\)](#).

"Compensable Injury" means an injury in the course and scope of employment. See [§401.011\(10\)](#).

"Course and Scope of Employment" means an activity performed by the injured worker originating in the work of the employer. See [§401.011\(12\)](#).

"Death Benefit" means a payment made to a legal beneficiary because of the death of an employee. See [§401.011\(13\)](#).

"Legal Beneficiary" means a person entitled to receive a death benefit under the Act. See [§401.011\(29\)](#).

"Occupational Disease" means a disease or repetitious trauma injury arising from the injured worker's employment. See [§401.011\(34\)](#).

"Repetitive Trauma Injury" means damage to the body from repetitious activities related to the injured worker's employment. See [§401.011\(36\)](#).

Division Forms

- DWC-1, "Employer's First Report of Injury or Illness" (paper copy if filed electronically).
- DWC-21, PLN 1 or PLN 11, "Carrier's Notice of Disputed Issue(s) and Refusal to Pay Benefits" that provides basis of carrier's dispute of entitlement by a beneficiary(s).
- DWC-45, "Request for a Benefit Review Conference Interim," if conference was requested by the insurance carrier.

Medical Records

- An autopsy report will be necessary in claims for death benefits resulting from an occupational disease.
- Death certificate – to confirm the date and causation of death.

Additional Information

- Statements from neighbors/friends/family that confirm abandonment by a spouse, or that deceased employee and spouse did not have a common law marriage.
- Some documentary information to show that the economic benefits (payments in the form of money, boarding, other goods and services) provided by the deceased were not regular or recurring at the time of the deceased's death and that the benefits did not contribute substantially to the welfare and livelihood of the beneficiary.
- Any information that would establish that a person seeking death benefits is not a proper beneficiary of the decedent.

Exchange of Information

- Must be exchanged with DWC and other parties per Rule 141.4.
- Must be exchanged no later than 14 days prior to a BRC (5 days if BRC was expedited)
- Bring information that is obtained **after** the exchange deadline to the conference in sufficient copies for filing and exchanging at the conference.